

AMENDED IN SENATE MAY 13, 2013

AMENDED IN SENATE APRIL 1, 2013

## SENATE BILL

No. 765

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**Introduced by Senator Block**

February 22, 2013

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An act to amend Section 3545 of the Government Code, relating to public employees.

### LEGISLATIVE COUNSEL'S DIGEST

SB 765, as amended, Block. Public employees: collective bargaining.

Existing law permits public school employees to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations, as specified. Existing law permits an employee organization to become the exclusive representative of an appropriate unit for purposes of meeting and negotiating, as specified. ~~Under existing law, in~~ *In* each case where the appropriateness of the unit is an issue, *existing law requires* the Public Employment Relations Board ~~shall~~ *to* decide the question on the basis of the community of interest between and among the employees and their established practices including, among other things, the extent to which those employees belong to the same employee organization; and the effect of the size of the unit on the efficient operation of the school district. Existing law provides that in the case of a district that employs 20 or more supervisory peace officer employees, a negotiating unit of supervisory employees ~~shall be~~ *is* appropriate if it includes ~~any of the following: all supervisory nonpeace officer employees employed by the district and all supervisory peace officer employees employed by the district; all supervisory nonpeace officer employees employed by~~

~~the district, exclusively; or all supervisory peace officer employees employed by the district, exclusively. Existing law further provides that a negotiating unit of supervisory employees shall not be represented by the same employee organization as employees whom the supervisory employees supervise. any of specified supervisory employees. Existing law prohibits these supervisory employees from being in a negotiation unit with employees whom they supervise.~~

~~This bill would prohibit a school district that employs any full-time peace officers, as defined, from preventing those peace officers from joining or participating in employee organizations and negotiating units that are composed of peace officers, supervisory peace officers, or both and which are not subordinate to any other employee organization. permit a supervisory peace officer employee to join or participate in an employee organization and negotiating unit that is composed of nonsupervisory peace officers if the representation has been agreed to by the supervisory employee representative, the nonsupervisory peace officer representative, and the employer and the Public Employment Relations Board is so notified.~~

~~Because this bill would require local school districts to permit employee peace officers to join employee organizations to bargain for compensation and benefits that were previously unavailable to them, it would impose a state-mandated local program.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 3545 of the Government Code is amended
- 2 to read:
- 3 3545. (a) In each case where the appropriateness of the unit
- 4 is an issue, the board shall decide the question on the basis of the
- 5 community of interest between and among the employees and their
- 6 established practices including, among other things, the extent to
- 7 which those employees belong to the same employee organization,
- 8 and the effect of the size of the unit on the efficient operation of
- 9 the school district.
- 10 (b) In all cases:
- 11 (1) A negotiating unit that includes classroom teachers shall not
- 12 be appropriate unless it at least includes all of the classroom
- 13 teachers employed by the public school employer, except

1 management employees, supervisory employees, and confidential  
2 employees.

3 (2) Except as provided in subdivision (c) or (d), a negotiating  
4 unit of supervisory employees shall not be appropriate unless it  
5 includes all supervisory employees employed by the district and  
6 shall not be represented by the same employee organization as  
7 employees whom the supervisory employees supervise.

8 (3) Classified employees and certificated employees shall not  
9 be included in the same negotiating unit.

10 (c) (1) In the case of a district that employs 20 or more  
11 supervisory peace officer employees, a negotiating unit of  
12 supervisory employees shall be appropriate if it includes any of  
13 the following:

14 (1)

15 (A) All supervisory non-peace-officer employees employed by  
16 the district and all supervisory peace officer employees employed  
17 by the district.

18 (2)

19 (B) All supervisory non-peace-officer employees employed by  
20 the district, exclusively.

21 (3)

22 (C) All supervisory peace officer employees employed by the  
23 district, exclusively.

24 ~~(d) Notwithstanding subdivision (c), a district that employs~~  
25 ~~full-time peace officers, as that term is defined in Chapter 4.5~~  
26 ~~(commencing with Section 830) of Title 3 of Part 2 of the Penal~~  
27 ~~Code, the district and the board shall not prohibit an employee~~  
28 ~~who is a full-time peace officer from joining or participating in~~  
29 ~~employee organizations and negotiating units that are composed~~  
30 ~~of peace officers, supervisory peace officers, or both, and which~~  
31 ~~are not subordinate to any other employee organization.~~

32 ~~(e) A negotiating unit of supervisory employees shall not be~~  
33 ~~represented by the same employee organization as employees~~  
34 ~~whom the supervisory employees supervise.~~

35 (2) *A negotiating unit of supervisory peace officer employees*  
36 *shall not be represented by the same employee organization as*  
37 *employees whom the supervisory employees supervise.*

38 (d) *Notwithstanding subdivision (b) or (c), a supervisory peace*  
39 *officer employee may elect to join or participate in an employee*  
40 *organization and negotiating unit that is composed of*

- 1 *nonsupervisory peace officers if the representation has been agreed*
- 2 *to by the supervisory employee representative, the nonsupervisory*
- 3 *peace officer representative, and the employer and those entities*
- 4 *have informed the board of their agreement.*

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